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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,036	07/08/2003	Akiya Saito	239871US6	6715

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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,036	SAITO ET AL.	
	Examiner	Art Unit	
	Kaveh Abrishamkar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-4, 6, and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on August 18, 2005. Claims 1-8 were originally received for consideration. Per the received amendment, claims 1-2, 5, 7-8 are cancelled, claims 9-15 are newly added, and claims 3, 4, and 6 are amended. Claims 3-4, 6, and 9-15 are currently being considered.

Response to Arguments

2. Applicant's arguments filed August 18, 2005 have been fully considered but they are not persuasive for the following reasons:

Regarding currently amended claim 3, the applicant argues that the CPA, Cok (U.S. Patent No. 6,865,55), does not disclose a "starting program, recorded on the data recording medium." This argument is not found persuasive. Cok discloses in a further implementation, the data stored on the recording medium can include a "program for matching the identifiers" (column 5 lines 40-45), and also "the program can be instructed to allow direct access to the data." (column 5 lines 49-53). Therefore, the program itself can match the identifiers and if they match, a program is automatically started (direct access to the data). Therefore it is asserted that the CPA does teach, "storing a starting program on the recording medium."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 3-4, 6, and 9, and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Cok (U.S. Patent No. 6,865,550).

Regarding claim 3, Cok discloses:

A data recording medium, comprising:

“medium identification information unique to the data recording medium has been recorded thereon” (column 4 lines 1-14),

a “plurality of programs having been recorded on the data recording medium” (column 4 lines 27-65), wherein the “medium identification information includes information with which one of the plurality of programs is designated” (column 4 lines 27-65), and “a starting program, recorded on the data recording medium, configured to cause a program of the plurality of programs, designated by the medium identification

information to automatically execute" (column 4 lines 27-65, column 5 lines 40-53).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Cok discloses:

The data recording medium as set forth in claim 3, wherein the data recording medium is bundled with the hardware (column 4 lines 14-37).

Regarding claim 6, Cok discloses:

A program starting method for executing a program recorded on a recording medium, comprising:

obtaining medium identification information (column 4 lines 1-14);

determining a type that the medium identification information represents (column 4 lines 1-14);

selectively executing a program corresponding to the type that the medium identification information represents, the execution being actuated by a starting program recorded on the recording medium (column 4 lines 27-65, column 5, lines 40-53); and

performing an error process when the hardware identification information does not represent hardware that the medium identification information represents (column 4 lines 27-65).

Claim 9 is rejected as applied above in rejecting claim 3. Furthermore, Cok discloses:

The data recording medium according to claim 3, wherein said starting program is further configured to verify the medium identification information and a presence of a

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hardware device (column 5 lines 40-53), wherein the identifiers of the hardware and the medium are matched, and if they match, then the program is started.

Claim 11 is rejected as applied above in rejecting claim 4. Furthermore, Cok discloses:

The data recording medium according to claim 4, wherein at least one of the plurality of programs is application software for use with the hardware device (Figure 1, item 18), wherein the data (program) stored on the medium is used by data utilization device (item 18).

Claim 12 is rejected as applied above in rejecting claim 3. Furthermore, Cok discloses:

The data recording medium according to claim 3, wherein the medium identification information includes hardware recognition information (column 5 lines 40-53), wherein the identifiers of the hardware and the medium are matched, and if they match, then the program is started.

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Cok discloses:

The data recording medium according to claim 12, wherein one of the plurality of programs is started based on at least one of a presence or recognition of a hardware device (column 5 lines 40-53), wherein the identifiers of the hardware and the medium are matched, and if they match, then the program is started.

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Claim 14 is rejected as applied above in rejecting claim 6. Furthermore, Cok discloses:

The data recording medium according to claim 6, wherein the medium identification information includes hardware recognition information (column 5 lines 40-53), wherein the identifiers of the hardware and the medium are matched, and if they match, then the program is started.

Claim 15 is rejected as applied above in rejecting claim 13. Furthermore, Cok discloses:

The data recording medium according to claim 13, wherein said selectively starting includes starting of one of the plurality of programs based on at least one of a presence or recognition of a hardware device (column 5 lines 40-53), wherein the identifiers of the hardware and the medium are matched, and if they match, then the program is started.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cok (U.S. Patent No. 6,865,550).

Claim 10 is rejected as applied above in rejecting claim 3. Cok does not explicitly disclose that one of the programs is a user manual. However, it is well-known in the art that software programs (stored on a computer-readable medium) include user manual files, in order to allow the user to understand and utilize the programs that accompany the user manual on the medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a user manual on the computer-readable medium so that the user is provided with a set of instructions on how to use the software on the disc.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
10/24/05


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